

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Technical Education – Establishment – A.P.Technical Education Services – Regularization of the period from the date of removal from service to the date of reinstatement into Government service i.e. from 12-12-1999 to 14-05-2007 as “Not on duty” on the principle of “No work, No pay” in respect of Sri G.Vijayasimha Rao, Lecturer in Electronics and Communication Engineering, Dr.BRA Government Model Residential Polytechnic, Karimnagar – Orders – Issued.

HIGHER EDUCATION (TE.I) DEPARTMENT

G.O.Ms.No. 13

Dated: 10-02-2009.

Read:

From the CTE, Hyderabad, Lr.No.G2/10750/07, Dated: 03-07-2008.

ORDER:

In the reference read above, the Commissioner of Technical Education, Hyderabad has furnished the proposal for regularizing the period from the date of removal from service to the date of reinstatement into Government Service i.e. from **12-12-1999 to 14-05-2007** to be treated as “**Not on duty**” on the principle of “**No work, No pay**” in respect of Sri G.Vijayasimha Rao, Lecturer in Electronics and Communication Engineering.

2. The CTE has stated that on the charges of running private business while in service, an enquiry was ordered by the Director of Technical Education under Rule 20(2) of AP Civil Services (CCA) Rules, 1991, and the Enquiry Officer, reported that Sri G.Vijaya Simha Rao was found guilty and recommended to take severe action against him. Based on the recommendations of the Enquiry Officer and keeping in view the orders of Government issued in G.O.Ms.No.260, GAD, dated: 4-9-2003, the punishment of “removal from Service” was imposed on the individual in CTE’s proceedings No.G2/20185/97, Dated: 29-12-1999. As such, no disciplinary action is pending against the individual on the charges for which he was removed from service.

3. Aggrieved by the orders of removal from service, Sri G.Vijayasimha Rao preferred an appeal to the Government. The Government examined the appeal made by the delinquent officer and set-aside the proceedings of the Commissioner of Technical Education bearing No.G2/20185/1997, dated: 29-12-1999 removing him from service. The matter has been reexamined by issuing show cause notice, calling for explanation from the individual and after careful consideration, issued orders in G.O.Ms.No.43, Higher Education (TE.I) Department, Dated: 04-05-2007 allowing the appeal and directing the Director of Technical Education to re-instate him into Government service. In the light of this, and under Rule 32 and clause (1) of Sub-rule (2) of Rule-37 of AP CCA (Conduct) Rules, 1991, the individual was reinstated into Government Service in CTE proceedings Dated: 10-5-2007 and posted to Dr.BRA Government Model Residential Polytechnic, Karimnagar and the individual reported for duty on 14-5-2007.

4. With regard to regularization of the period from date of removal of the incumbent from service to the date of his reinstatement, as per para 5(iii) of G.O.Ms.No.43, H.E (TE.I) Deptt., Dated: 04-05-2007, one of the grounds for allowing the appeal is that the entries recorded in the Service Register of the individual shows that the individual was sanctioned EOL by the competent authority for the period from 12-12-1996 to 11-12-1998 and for the period from 12-1-1998 to 11-12-1999 and as such he was not on an authorized leave since 12-12-1996 as charged. As such the above period has to be treated EOL. The individual did not however report for duty on expiry of the EOL applied

for. Based on the report of the Enquiry Officer, he was removed from service. He made an appeal in the year 2006 i.e. after a period of six years. As per Rule 35 of Andhra Pradesh Civil Services (CCA) Rules, 1991, no appeal preferred shall be entertained unless such appeal is preferred within a period of (3) months from the date on which a copy of the appealed against is delivered to the Appellant. As the incumbent was silent for over a period of (6) years and his request to regularize the said period, consequent on his reinstatement does not, perhaps deserve consideration.

5. As per the instructions issued in Circular Memo.No.32419/838 FR-II/2003, dated: 19-06-2004, that even where a Government servant was placed under suspension in view of his involvement in a criminal case and consequently acquitted is entitled to reinstatement into service and also for payment of wages only from the date of acquittal and the period of suspension of the individual be regularized as Not on duty which is in consonance with the principle of "NO WORK NO PAY" and positively inequitable to those who have to work and earn their pay. In the instant case, the individual remained absent from 12-12-1999 till the date of his reinstatement into Government Service i.e. 14-05-2007. Therefore, he is not entitled for pay for the period on the said doctrine of "NO WORK NO PAY". The Commissioner of Technical Education has requested the Government to examine the request of Sri G.Vijayasimha Rao, Lecturer in Electronics and Communication Engineering to regulate the period from the date of his removal from service to the date of his reinstatement into Government Service and issue necessary orders in the matter.

6. The Government, after careful consideration of the proposal of the Commissioner of Technical Education, Hyderabad, hereby regularize the period from the date of removal from service to the date of reinstatement into Government service i.e. from 12-12-1999 to 14-05-2007 as "Not on duty" on the principle of "No work, No pay" in respect of Sri G.Vijayasimha Rao, Lecturer in Electronics and Communication Engineering, Dr.BRA Government Model Residential Polytechnic, Karimnagar.

7. This order issues with the concurrence of Finance (FR.II) Department vide their U.O.No.33401/696/FR.II/08, Dated: 26-11-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Technical Education, A.P., Hyderabad.

The Individual through Commissioner of Technical Education,
A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

Copy to:

The Finance (FR.II) Department.

The OSD to Minister (HE, TE & ITI)

The P.S to Prl. Secretary to Government, H.E Department.

SF/Sc

//Forwarded: :By Order//

SECTION OFFICER